

15
A STATEMENT

BY

THE SOCIETY OF APOTHECARIES,

ON THE SUBJECT OF THEIR ADMINISTRATION

OF

THE APOTHECARIES' ACT,

WITH REFERENCE TO SOME SUPPOSED FEATURES

OF

SIR JAMES GRAHAM'S

PROMISED MEASURE OF

MEDICAL REFORM.

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The Society of Apothecaries having had no opportunity afforded them of becoming acquainted with the details of the general measure of Medical Reform which her Majesty's Secretary of State for the Home Department has promised to lay before Parliament, would have abstained from making observations upon the subject until the Bill had been brought into the House of Commons, had they not ascertained that considerable misapprehension existed upon two points which materially affect the interests of the public, and more especially of that class of the profession which was entrusted to their superintendence by the Apothecaries' Act of 1815. These points are, first, the expediency of allowing the education and examination of the general practitioner to remain under the control of his own grade; and, secondly, the necessity of some penal enactment to protect the public from the intrusion of unqualified practitioners.

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UPWARDS of thirty years have elapsed since public attention was drawn to the fact, that, whilst the Physician and Surgeon were both subjected to a certain course of professional study, to be tested by examination, the education of the Apothecary, the medical attendant upon the great mass of the population, was entirely unprovided for, and no proof whatever was required as to his competency to discharge his very important duties.

At that time there existed three public bodies in England, exercising jurisdiction, in a greater or less degree, over the three branches into which the medical profession was divided, namely, the College of Physicians, the College of Surgeons, and the Society of Apothecaries. With neither of these bodies did the desire to provide by legislative authority for the suitable education of the general practitioner of medicine originate. The attempt to secure this important benefit to the public, owed its origin to a

voluntary association of medical practitioners of the class whose improvement it was sought to effect. The first object of this association was to obtain the sanction and concurrence of the medical corporations in an application to parliament, for an act to regulate the practice of the apothecary, and surgeon-apothecary. Neither of these bodies having been induced to concur in the application, the association itself introduced a bill "for regulating the practice of apothecaries, surgeon-apothecaries, and practitioners in midwifery, and compounders and dispensers of medicine, throughout England and Wales." By this bill it was proposed to constitute a distinct body for the purposes of examination, to be composed of the heads of the College of Physicians, the College of Surgeons, and the Society of Apothecaries, in conjunction with a limited number of general practitioners. The Society of Apothecaries, in common with the other two medical bodies, opposed the passing of this measure, and the bill having also encountered opposition from other quarters, was withdrawn after its first reading. The association, finding that the Government was opposed to the constitution of a fourth body for the examination of the general practitioner, abandoned the proposal, and renewed their efforts to secure the assistance of the medical corporations. The College of Physicians having intimated that they would offer no opposition to a measure for the regulation of the practice of apothecaries, by which the Society of Apothecaries should

be appointed the examining body, the Society ultimately consented to promote a bill limited to this object, which in the session of 1815 received the sanction of the Legislature, after encountering much opposition in its passage through both Houses of Parliament, and undergoing much mutilation in its latter stages more especially.

The Apothecaries' Act provides for the education of the general practitioner of *medicine*. It requires a body of apothecaries to select a court of examiners to be composed of apothecaries exclusively, and to this court the act assigns the duty of determining the course of study to be pursued by the candidates for their certificate, and to test the competency of the student, thus educated under their direction, to practise his profession; and it remained to be seen whether the education of that class of practitioners could be safely entrusted to examiners selected from their own grade of the profession. The promoters of the measure (themselves general practitioners) appeared evidently doubtful of the result of this part of the measure, for in the bill introduced by the Associated Apothecaries, the College of Physicians, as well as the College of Surgeons, was to take part in the examination of the general practitioner.

A trial of nearly thirty years, will now enable the public to decide how far the Legislature acted wisely in entrusting the examination of the general practitioner of medicine to those of his own grade.

The objection which would probably have arisen in the minds of many to the principle thus sought to be established, would have been—that by entrusting the duty of examination to their own grade of the profession, the scientific attainments of the class to be educated would suffer, and the standard of qualification be low, as compared with what might be expected from an examination conducted by the higher grade. The objection is one not unlikely to present itself, and one which, in the absence of experience, might have some weight. The experience, however, of a quarter of a century has clearly established, that no danger is to be apprehended from entrusting the examination of the general practitioner to his own class; and of all the objections which have been urged against the Apothecaries' Act, there is not one which is capable of a refutation so complete as that which would represent the attainments of the general practitioner to have suffered from the control of his education not having been entrusted to a higher grade of the profession.

That a correct judgment may be formed of the manner in which the Court of Examiners of the Society of Apothecaries have discharged the duty of determining the course of education of the future general practitioner, it must be borne in mind that the nature and extent of the attainments of the student were to be regulated in a great degree by the available means of instruction; that the first candidates for the certificate were necessarily

those who had completed, or were completing, their studies at the time of the passing of the act; and that the means of acquiring medical knowledge then existing, limited as they were, determined the amount of qualification that could be properly required. The students had not, up to that time, had the benefit of any prescribed curriculum of study. The examiners of the College of Surgeons "took what they considered to be a satisfactory education, according to their own judgment, as stated by the candidates at the time of examination¹." The only certificates required by the College were, certificates of attendance on one course of anatomy, and one of surgery, to which had been added, in 1813, a certificate of one year's attendance on the *surgical* practice of a hospital. Abundant reason, therefore, existed for caution on the part of the Court of Examiners in the first instance; but it will be found that as the means of acquiring professional knowledge increased, the Court have cautiously and gradually increased their demands upon the students, extending their curriculum of study, and raising the standard of examination, until they had secured what they deemed an education fully qualifying the candidate for the efficient discharge of the duties of his profession.

The following is an abstract of the regulations

¹ Mr. Guthrie's evidence before the Committee on medical education (1834), 4832-3.

issued by the Court of Examiners on the 31st July, 1815, immediately on the passing of the act ².

The Court announced that the candidate would be expected to possess a competent knowledge of the Latin language, and to produce testimonials of having attended

Two courses of lectures on Anatomy and Physiology;

Two courses of lectures on the Theory and Practice of Medicine;

One course of lectures on Chemistry;

One course of lectures on Materia Medica;

A certificate of attendance for six months, at least, on the medical practice of some Public Hospital, Infirmary, or Dispensary;

And intimation was given that the examination would be :—

1. In translating parts of the Pharmacopœia Londinensis and Physicians' Prescriptions ;
2. In the theory and practice of Medicine ;
3. In Pharmaceutical Chemistry ;
4. In the Materia Medica.

Limited as this curriculum may appear at the present day, compared with what the Court have since been able to require, it was all the court felt

² It should be stated, that the *Act of Parliament* has rendered an apprenticeship of five years to an apothecary imperative on the candidate, and that the studies enjoined by the Court of Examiners are in most instances pursued during the period of the apprenticeship.

warranted in demanding for some years after the passing of the act. In the years 1826, 1827, 1828, and 1829, additions were made to the course of study. In the year 1830, the regulations of the court underwent a careful revision, and the new and extended curriculum was prefaced by an address to the students, which so clearly announces the principles by which the examiners had been guided in their gradual advance to the great object to which all their efforts had been directed, that any retrospect of the proceedings of the Court would be imperfect without it³.

Successive additions were made to the curriculum between the years 1830 and 1835; and the following extract from the existing regulations of the court, exhibits the course of study which is now required from the candidates for their certificate, and the examination to which they are subjected.

COURSE OF STUDY.

EVERY candidate whose attendance on lectures commenced on or after the 1st of October, 1835, must have attended the following lectures and medical practice during not less than three winter and two summer sessions: each winter session to consist of not less than six months, and to commence not sooner than the 1st, nor later than the 15th

³ See a copy of this address in the Appendix, page 40.

October ; and each summer session to extend from the 1st of May to the 31st of July.

FIRST WINTER SESSION. { Chemistry.
Anatomy and Physiology.
Anatomical Demonstrations.
Materia Medica and Therapeutics ; this course may be divided into two parts of fifty lectures each, one of which may be attended in the summer.

FIRST SUMMER SESSION. { Botany and Vegetable Physiology ; either before or after the first winter session.

SECOND WINTER SESSION. { Anatomy and Physiology.
Anatomical Demonstrations.
Dissections.
Principles and Practice of Medicine.

SECOND SUMMER SESSION. { Forensic Medicine.

THIRD WINTER SESSION. { Dissections.
Principles and Practice of Medicine.

MIDWIFERY, and the DISEASES of WOMEN and CHILDREN, two courses, in separate sessions, and subsequent to the termination of the first winter session.

PRACTICAL MIDWIFERY, at any time after the conclusion of the first course of Midwifery Lectures.

MEDICAL PRACTICE during the full term of eighteen months, from or after the commencement of the second winter session ; twelve months at a recognised Hospital, and six months at a recognised Hospital or a recognised Dispensary : in connection with the Hospital attendance, a course of *Clinical Lectures*, and instruction in *Morbid Anatomy*, will be required.

The sessional course of instruction in each subject of study, is to consist of not less than the following number of lectures :

One hundred on Chemistry.

One hundred on Materia Medica and Therapeutics.

One hundred on the Principles and Practice of Medicine.

Sixty on Midwifery, and the Diseases of Women and Children.

Fifty on Botany and Vegetable Physiology.

Every *examination* of an hour's duration will be deemed equivalent to a lecture.

The lectures required in each course must be given on separate days.

The lectures on Anatomy and Physiology, and the Anatomical Demonstrations, must be in conformity with the regulations of the Royal College of Surgeons of London in every respect.

Candidates must also bring testimonials of instruction in Practical Chemistry, and of having dissected the whole of the human body once at least.

The above course of study may be extended over a longer period than three winter and two summer sessions, provided the lectures and medical practice are attended in the prescribed order, and in the required sessions.

EXAMINATION.

The Examination of the Candidate for the Certificate will be as follows :

In translating portions of the first four books of Celsus de Medicinâ, and of the first twenty-three chapters of Gregory's Conspectus Medicinæ Theoreticæ :

In Physicians' Prescriptions, and the Pharmacopœia Londinensis :

In Chemistry :

In Materia Medica and Therapeutics :

In Botany :

In Anatomy and Physiology :

In the Principles and Practice of Medicine. This branch of the examination embraces an inquiry into the pregnant and puerperal states ; and also into the diseases of children.

The Regulations of the Court of Examiners must be regarded in connection with the means by which the student was enabled to acquire the knowledge which he was expected to possess. Had the means of instruction remained as they were in 1815, the Court of Examiners could not have ventured upon extending their Regulations as they have done. In this instance, however, as in others, the demand produced the supply. The increased number of medical students attending lectures in conformity with the Regulations led to the increase of medical teachers, and not only did new schools spring up in the metropolis, but, under the auspices of the Court of Examiners, public schools of medicine were organized in the provinces ; and at the present day Manchester, Liverpool, Birmingham, Leeds, Bristol, Hull, Sheffield, Newcastle, and York, have each their public school, at which the student may pursue and *complete* his medical education.

There can be no doubt that these schools were organized under the auspices of the Court of Examiners of the Society of Apothecaries, nay more,

that they owe their present efficiency, if not their existence, to the Regulations of that Court. That Court was the first to receive the certificates of the teachers of the provincial schools, and to admit to examination those whose education had been completed within their walls. And it is a source of the utmost satisfaction to that Court to know, that no mean proportion of those whose examination has given evidence of the highest professional attainment have been pupils of the provincial schools.

As some evidence of the extent to which the Regulations of the Court of Examiners influence the course of study pursued by those who are preparing themselves for the practice of the medical profession, it may be stated, that the number of students who registered at Apothecaries' Hall at the commencement of the winter session of 1843-4, as having entered to lectures at the metropolitan schools alone, in conformity with the Regulations of the Court, amounted to 1031⁴.

The following table exhibits the number of those who, having completed their education in conformity with the Regulations of the Court, have presented themselves for examination for the certificate, and

⁴ Every student is required, at the commencement of each medical session, to register his tickets of admission to the lectures to be attended in that session; and at the close of the session to register his teacher's certificate of his having attended such lectures. The principal object of the registration is to insure the punctual attendance of the student on all the courses of lectures required by the Court.

have either succeeded in satisfying the Court of their competency to practise, or have been, for the time, remanded to their studies:—

From Aug. 1st to July 31st	Examined.	Rejected.	Passed.
1815 — 1816.....	185.....	12.....	173
1816 — 1817.....	192.....	11.....	181
1817 — 1818.....	226.....	17.....	209
1818 — 1819.....	268.....	15.....	253
1819 — 1820.....	275.....	20.....	255
1820 — 1821.....	297.....	13.....	284
1821 — 1822.....	340.....	20.....	320
1822 — 1823.....	409.....	28.....	381
1823 — 1824.....	374.....	24.....	350
1824 — 1825.....	397.....	32.....	365
1825 — 1826.....	488.....	43.....	445
1826 — 1827.....	465.....	47.....	418
1827 — 1828.....	510.....	70.....	440
1828 — 1829.....	365.....	65.....	300
1829 — 1830.....	525.....	86.....	439
1830 — 1831.....	465.....	104.....	361
1831 — 1832.....	446.....	73.....	373
1832 — 1833.....	362.....	62.....	300
1833 — 1834.....	452.....	65.....	387
1834 — 1835.....	456.....	65.....	391
1835 — 1836.....	556.....	106.....	450
1836 — 1837.....	622.....	87.....	535
1837 — 1838.....	520.....	79.....	441
1838 — 1839.....	495.....	84.....	411
1839 — 1840.....	506.....	92.....	414
1840 — 1841.....	429.....	64.....	365
1841 — 1842.....	393.....	63.....	330
1842 — 1843.....	396.....	55.....	341
To 31st Jan. 1844.....	150.....	29.....	121
	<hr/> 11,564 <hr/>	<hr/> 1,531 <hr/>	<hr/> 10,033 <hr/>

Thus it appears, that in the interval which has elapsed since the passing of the act of parliament, upwards of ten thousand individuals have been found, after careful examination, to be competent to enter upon the practice of their profession. The simple notice of this fact can hardly fail to suggest the reflection—how great an amount of benefit must have resulted to the public from such a supply of well-trained medical practitioners; how many valuable lives must have been prolonged, how much of human suffering alleviated!

Let any unprejudiced person look at the first Regulations issued by the Court of Examiners; let him trace the progressive improvements in the curriculum as the increasing opportunities of acquiring professional knowledge warranted its extension; let him read the Addresses of the Court of Examiners to the students, by which their Regulations are prefaced; let him consider the present course of study, carefully framed with reference to the future duties of the individuals upon whom it is enjoined; and above all let him contrast the attainments of the general practitioner of the present day with the attainments of the great mass of the individuals who were engaged in the same branch of the profession in the year 1815; and the conclusion is obvious that the general practitioners of this country may be safely entrusted with the education of their own class.

The Society of Apothecaries are happy to have it in their power to adduce the evidence of several

distinguished members of the Royal Colleges of Physicians and Surgeons, as to the efficiency of the examination instituted by the Society, and they beg emphatically to say, that in quoting the opinions of individuals who were invited to institute a comparison between their examinations and the examinations of the Society, they are actuated solely by a desire to avail themselves of the favourable testimony of witnesses beyond all suspicion of partiality or bias towards the Society.

In the session of 1834, the House of Commons appointed a Select Committee, "to inquire into and consider of the laws, regulations, and usages, regarding the education and practice of the various branches of the medical profession," and numerous individuals, eminent in the various branches of the profession, were examined before that committee.

In the course of the examination of Sir Henry Hallford, then president of the College of Physicians, the following questions and answers occur.

218. "Did the College of Physicians oppose in the first instance the Apothecaries' Bill?"—"It was a matter of serious deliberation, but their counsel advised them not to oppose it, and they acquiesced in that advice."

219. "They began by petitioning parliament against it?"—"Yes; I was one of those that was sorry that the power was ever given out of the hands of the physicians to license practitioners of that description; but since they have had it I must do the Apothecaries

the justice to say, that they have executed that act extremely well; *and that the character of that branch of the profession has been amazingly raised since they have had that authority.* I only do them justice when I state that; though I was very much against it in the first instance."

In the examination of Dr. Seymour, the following questions and answers occur:—

1058. "*Is not the great body of the medical practice in this country in the hands of the general practitioners?*" —"Certainly."

1059. "*Is it not therefore above all things essential for the public good that those general practitioners should be duly qualified?*" —"Certainly, and they are under the new regulations."

1060. "Is the standard of medical education of those general practitioners, who go through the examinations before the Apothecaries' Company and the College of Surgeons, as high as that required for passing the examination before the censors of the College of Physicians, in order to become a licentiate?" —"*I find it very difficult to answer that question.* The licentiates of the College of Physicians are often men of considerable education previously, and have been a longer time, many of them, acquiring it, and I think that may make a difference; otherwise *there is no question that the education now required for a general practitioner is of the very highest kind; I should say, as good as that of physicians some years ago.*"

The two following questions with their answers are extracted from the evidence of Sir David Barry.

2573. "Do you think it possible for a person ignorant of the subject on which he is examined, to pass an examination before the College of Physicians?"—"I think a man may pass an examination at the College of Physicians who is a good classical scholar, but knows nothing of chemistry, nothing of medical jurisprudence, nothing of surgery, little or nothing of anatomy, nothing of the diseases of women in childbed, and nothing of the manner of delivering them: I think a man with all these items of knowledge wanting, might pass the examination for Licentiate, and therefore for Fellow, as the medical examination for both are allowed to be identical."

2583. "What is your opinion respecting the triple division of the profession in this country?"—"From what I have already stated, I think it must appear that the unity of the three branches relatively to study or examination, and their occasional inevitable division in practice, involve no contradiction. I conceive that the government of the medical profession, and the education of young men for that profession, as they are conducted in this country at present, are faulty in the extreme. In the first place, young men find it necessary to pass an examination at the College of Surgeons; but I believe, (and I would say it without the least disparagement to the eminent men who compose that body,) that the standard of

acquirement now actually insisted upon by that College, is so very low, and the subjects upon which students are examined there are so lightly treated, that it does not stimulate them to exertion; and thus they make very little preparation for that examination—but *I believe that the examination established by the Company of Apothecaries is now by far the most comprehensive examination in London; and that if it were not for that examination the young men who are now rising would not be nearly so well educated as they are.*"

The evidence of several eminent members of the College of Surgeons, given before the same Committee, is not less important.

Mr. Guthrie (at that time the President of the College of Surgeons) expressed himself on the subject as follows:—"I beg to say that the Court of Examiners of the Apothecaries' Company have done their duty admirably, and for the advantage of the public; and I would let no surgeon take out his diploma at the College of Surgeons, till after he had been examined by the board appointed by the Society of Apothecaries; and whether the Master and Wardens of the Apothecaries' Company appoint the ten Examiners, or whether all the three bodies do it between them, I think it of no importance, and I have no particular wish to interfere in any way; they will always appoint men of honour and character to that situation." (5291.)

The following question and answer occur at the close of the examination of Sir Astley Cooper :—

5636. “ Is there any point relating to medical or surgical education or practice not elicited by the previous examination which you wish to state to the Committee ? ”—“ Nothing occurs to me at the present moment but *the necessity of enforcing examinations*. If examinations are not enforced, the profession will never be a profession of much usefulness. *The Apothecaries’ Company have done infinite service to this country by getting their bill enacted*. I do not mean to say that there may not be faults in the bill ; I scarcely know it further than by its effects : but when I began to teach the profession, I used to lament there was no enforcing examination ; *education was left to accident ; and the result was, that it was difficult to make the pupils attend with any degree of regularity* : but as soon as the Apothecaries’ Bill was passed, all began to feel that by being idle they might be a disgrace to themselves and to their families ; and then they studied intensely : and *I do very much attribute to the Apothecaries’ Bill, which enforced examination, the great improvement which the general practitioner has undergone in the last eighteen or twenty years.*”

The two next questions and answers are from the examination of Mr. R. D. Grainger :—

6650. “ What opinion have you formed of the comparative extent and strictness of the examina-

tions at Apothecaries' Hall, and at the College of Surgeons ?"—“ Of course, in the situation in which I am placed, I might incur the imputation of making an invidious distinction if I pronounced any opinion upon the comparative merits of those two bodies : but I consider that in an inquiry of this kind, whatever may be the private interests of any individual, if he feels desirous of improving the general mode of medical education he ought to give his opinion in an unbiassed manner, avoiding certainly all personal imputations. Having given this explanation, I may state, that *I consider the examination at the Apothecaries' Hall is decidedly preferable to that of the College of Surgeons.*”

6651. “ Will you state in what respects ?”—“ I believe the best answer I can give to that question is, *the degree of preparation which is required on the part of students for the two examinations.* I know that the examination at the Apothecaries' Company is one which they look forward to with considerable uneasiness ; that they make great preparation for it ; and that the same degree of preparation and of fear do not attend presenting themselves at the College of Surgeons. The more general scope of examination which is adopted at the Apothecaries' Company appears to render it more advantageous than the examination of the College of Surgeons, which is generally restricted, I believe, to anatomy and physiology and the principles of surgery.”

It appears unnecessary to quote further evidence

for the purpose of showing in what manner the Court of Examiners of the Society of Apothecaries have discharged their duty to the public. Those who are the most competent to form an opinion on the subject concur in acknowledging the benefits which have resulted from the course of study they have enjoined, and the examinations they have instituted; and there are few who will not “cheerfully admit that the amelioration and improvement of the education of students in London has been mainly owing to the Regulations of the Society of Apothecaries⁴.”

If, then, the experience of thirty years has proved that the duty of superintending the education of the general practitioner in medicine has been faithfully and efficiently discharged by examiners selected from his own class—if we are to believe with Sir Henry Halford, that “the character of that branch of the profession has been amazingly raised since they have had that authority”—with Dr. Seymour, that “there is no question that the education of the general practitioner is of the very highest kind; as good as that of physicians some years ago”—with Sir David Barry, that “the examination established by the Company of Apothecaries was by far the most comprehensive examination in London”—and with Mr. Guthrie, that “the Court of Examiners of the Apothecaries’ Company have done their duty admirably

⁴ “The Touchstone of Medical Reform,” by Joseph Henry Green, Esq., p. 68.

and for the advantage of the public"—upon what grounds is it proposed to transfer the performance of that duty to members of other branches of the profession?

Is there any thing inconsistent in each class of the medical profession being left to direct the education of those who belong to it?—It is in vain to urge that the effect of entrusting the control of the education of the Apothecary to those of his own grade would be to create *a low standard of qualification*; a directly opposite result has been distinctly proved.

The standard of qualification which has been attained by the general practitioner under the Regulations of the Society of Apothecaries is confessedly a high one, and the character of that branch of the profession has, in consequence, been greatly raised. *Is there no risk of the standard of qualification being lowered, and the character of that branch of the profession suffering, by their examination being entrusted to the higher grade?* This is a question in which the public as well as the profession have a deep interest. Without any disrespect to the able and honourable men who occupy the first ranks of the profession, such a result may be anticipated, and its probability shown.

Dr. Seymour, in his examination before the Parliamentary Committee of 1834, was asked whether he thought it would have become the College of Physicians, standing as it did at the head of the medical profession, to have itself taken up the question of licensing the apothecaries throughout England and

Wales, and examining into their possessing the due qualifications to practice. Dr. Seymour's answer was this, "I think it would have been well ; but *this great difficulty existed*, that if the apothecary was examined by the College of Physicians, and had precisely the same examination as the physician, *it would have raised the question, in what was the difference* ; and if he had an inferior examination to a physician, it was marking a difference which was very invidious on the part of the body." The difficulty was one likely to suggest itself to an acute and honourable mind, and the train of reasoning is obvious. By far the greatest amount of the medical practice in this country is in the hands of the general practitioner ; it is, therefore, above all things essential that he should be carefully educated. If, when so educated, he is to be examined by a board composed of Physicians, the examination must either be as extensive as that to which the Physician himself is subjected, and then all distinction between the two grades of the profession is lost ; or if, on the other hand, the examination be of a lower character, the institution of such an examination for the general practitioner by physicians would have appeared invidious on their part ; and it might with great truth be said, that by a lower examination the general practitioner must, at no distant period, become unequal to the safe exercise of the important duties which he is called upon to perform, and that the great mass of the population would ultimately be left to the care of uneducated or half-educated men.

If such considerations may be supposed to have suggested *a great difficulty* to the examination of the general practitioner by the physician, at the time of the passing of the Apothecaries' Act—is that difficulty in any degree diminished now?

The physician and the apothecary occupy the same relative positions in the profession as they did thirty years ago. The higher the professional qualification of the apothecary, the less need of the physician; the wider the difference between the attainments of the two branches, the greater the demand for the physician. But what is the interest of the *public* in this matter—*of the masses who from their position must rely upon the skill of the general practitioner, and upon that alone?* Beyond all doubt that they may have a medical attendant as competent for the discharge of his duties as the improved state of medical education can render him. Experience has shown that such a medical attendant can be, because it has been, given to the public by a board of examiners composed of members of his own grade of the profession,—men interested in advancing its character, and extending the sphere of its usefulness. A board composed of Physicians could do *no more*; and a board so constituted would be attended with this inconsistency, that the higher they succeeded in raising the attainments of the general practitioner, the greater would be the amount of injury they would inflict upon their own grade of the profession.

Perhaps the only two *evils* which could have been

suggested as likely to arise from raising the standard of qualification of the general practitioner, would have been, a diminished supply of practitioners of that class, and a claim for an increased amount of remuneration for their professional services. The crowded ranks of the profession sufficiently prove that no injury has resulted to the public from any falling off in the number of the general practitioner; and as regards his remuneration, there would be no difficulty in showing, that the cost to the public is considerably less than it was fifty years ago.

Having thus drawn attention to the provision made by the Legislature for the education and examination of the apothecary, and to the success which has attended the working of the act in these respects, it remains to consider in what manner the Legislature endeavoured to secure to the public the full benefit of such provision. And if it be conceded that it is essential to the public health, that the medical attendant of the great majority of the population should be duly qualified for the duties which devolve upon him, and if it be deemed expedient that laws should be enacted for the attainment of that end, it is a question of no slight interest to determine how the observance of those laws can be most effectually enforced.

The Apothecaries' Act endeavoured to meet this question in two ways;—first, by requiring all persons who claimed any remuneration in the character of apothecaries, to prove affirmatively that they had satisfied the proper authorities that they were com-

petent to assume that character;—and secondly, by subjecting to punishment all persons who should presume to exercise the functions of an apothecary, without having proved their competency for the task.

It is unnecessary to refer more particularly to the first of these modes. It is obviously most reasonable, that those who seek the assistance of the law, in recovering compensation for services rendered in any capacity, should give evidence of possessing such qualifications as the law has thought fit to require, from those who seek to be employed in that capacity.

The question how far it is desirable to endeavour to enforce a compliance with a law, regulating the practice of the medical profession by penal enactments, is one upon which a difference of opinion is known to exist.

The duty of enforcing the penal provisions of the act of 1815 was expressly laid upon the Society of Apothecaries, and the experience which they have acquired in their attempt to discharge that duty, has produced the strongest conviction upon their minds, that *some penal check upon unqualified practice is essential to the efficiency of any measure of medical reform.*

The arguments usually employed by those who are adverse to any penal checks are, that all attempts to prevent illegal practice by such means have invariably failed; that all that can be done is to let the public know who are qualified persons, and having done this, the public must be left to choose for themselves. Others go a step further, and would be

willing to exclude unqualified persons from all public appointments, for instance, the Army and Navy, Hospitals and Poor Law Unions, but hesitate to make it an offence for an unqualified person to engage in private practice.

With regard to the argument, that the attempt to put down illegal practice by penal enactments has always failed, the first observation which occurs is, that the attempt has never yet been fairly made.

Although the principle of a penal check had been recognized in the statutes which had been passed for regulating the medical profession prior to 1815, the means were not given of carrying out the principle into practice; and we are therefore justified in contending, that the principle was never fairly put to the test. With regard to the penal provisions of the Apothecaries' Act, the machinery by which the law is to be put in force is so ill-adapted to the purpose, that it can hardly be said to form an exception in this respect to the statutes which had preceded it. The punishment being a penalty recoverable only by action of debt which must be tried at the assizes for the county in which the offence is committed; the number of witnesses required to establish a conclusive case, (it being of the last importance that a prosecution instituted by a public body, discharging the duties which devolve upon the Society should not fail⁵;) the great expense necessarily at-

⁵ In proof of the caution exercised by the Society in the selection of cases for prosecution, it may be mentioned, that out of

tending the proceedings⁶, and the difficulty, in most instances, of obtaining sufficient evidence to warrant the adoption of proceedings, all combine to put it out of the Society's power to institute *frequent prosecutions*. They have been able to do little more than make an example of an unqualified practitioner from time to time, and thus intimate to the public that the law was one which it was an offence to break. The uncertainty of a prosecution being instituted in any given case, and the length of time which must, under any circumstances, elapse between the offence and its punishment, have, no doubt, had the effect of encouraging many to engage in practice, who would not have ventured to do so if the execution of the law had been more certain, and had followed close upon the commission of the offence.

The impunity with which it was found that the law could be broken, quickly led to an increase of those who were tempted to break it; and there is no doubt that the numbers of unqualified persons, who are at this time engaged in practice, is very considerable.

But this circumstance, though it goes far to prove

the numerous actions for penalties instituted since the passing of the act, in one instance only have the Society been unsuccessful.

⁶ Six actions for penalties, which were tried within a comparatively recent period, were conducted at an average expence to the Society of £320 each. It should be stated, that in one of these actions (*viz.* that of *The Society v. Greenough*), there were two trials.

the *insufficiency* of the existing penal restraints, by no means proves that the existing check, imperfect as it confessedly is, has been productive of no good, and still less that all penal checks are useless. The Society entertain a decided opinion that *the existing check has operated powerfully in securing a compliance with the Regulations of the Court of Examiners*, and that had the means of enforcing the penal provisions of the act been of a more summary nature, the number of those who would have been educated in conformity with the act would have been considerably greater, and the evil of unqualified practice have been proportionably diminished.

It has been said, "Enact what laws you will, you cannot prevent the practice of unqualified men." This may be true; the time probably will never arrive when the race of quacks and empiricks will be extinct: but is the inability to annihilate all illegal practice an argument for making no attempt to diminish it? Because the evil cannot be eradicated, will you use no effort to check its growth? Do we act upon such reasoning in other cases? Because every Assize presents a lamentable catalogue of offences against person and property, will you repeal the laws which endeavour to provide for their protection? or would it be fair to argue, because men continue to thieve in spite of the laws which punish theft, that such laws do not operate as a *check* upon thieving?

The advocates for the absence of all penal checks

say, "We point out to you who are qualified, and who are not; you must choose for yourselves; and if you choose the unqualified, you do so at your peril." This is very insufficient protection to afford to *any* class of society; but in the case of the *poorer classes*, who are the most exposed to danger, from the practice of ignorant and unprincipled men, (*and to whose protection all medical legislation should have a special reference, or it is not worthy of the name,*) is it not mockery to tell them, "You may satisfy yourselves by inquiry in the proper quarter, whether this or that practitioner is a qualified person, and you are not obliged to employ him, if he is not?" In a case like the present, what the law does not forbid, it must be taken to sanction; and if it imposes no check upon the practice of incompetent men, it must be held responsible for the monstrous evils which result from it.

Again, it may be asked, "How is the Legislature accustomed to act in similar cases?" Does it say to the suitor, "Here is a class of men educated as solicitors, whose competency has been tested by examination; they are qualified to solicit your suit: but if you like to intrust your interests to others you are free to do so?" Does it say to the shipowner, "Here is a class of licensed pilots, men whose skill has been certified; you have these to choose from: but if you prefer going elsewhere there is nothing to prevent you; but you do it at your own peril?" No. The public welfare, the safety of life and

property, urgently call for the authoritative interference of the Legislature in these and similar cases; and the Legislature does not hesitate to say, "We will decide who shall and who shall not discharge these duties, and we will allow you no choice in the matter."

Why, then, is the public to be denied a corresponding protection in the all-important matter of health? It is idle to say the Legislature is not to limit a man's choice of an adviser in what concerns his health, when they have done so in what concerns his property; and the very tendency and inclination of the public to seek advice from irregular and incompetent practitioners, and the readiness with which they surrender themselves to the wildest empiricism of the day, only give them a stronger claim to protection.

What, then, it may be demanded, is the nature of the penal check which your experience suggests? We reply, let the law distinctly affirm that no one shall practise the healing art with a view to gain, who has not given evidence of his competency; punish those who offend against the law in this respect; let the process be simple and inexpensive, the punishment certain, and following closely upon the commission of the offence; give a power to two magistrates to convict and punish by fine and imprisonment, with an appeal to the quarter sessions.

One great evil resulting from the existence of unqualified practitioners is, that those who would be willing and anxious to avail themselves of the skill

of the qualified practitioner are deprived of his services. This result is clearly and forcibly stated by Mr. Guthrie in his evidence before the Parliamentary Committee, and we cannot do better than quote the passage. After referring generally to the injury sustained by the public from the practice of unqualified men, and putting the case of a man without qualification setting up in his native town, and practising, in defiance of the Society of Apothecaries and College of Surgeons, as chemist, druggist, surgeon, apothecary, and man-midwife, he proceeds thus:—

“The man I have described, by being in such a station, prevents the practitioner who is duly qualified from exercising his ability and talents for the advantage of the public: for the unqualified man, feeling that he is not qualified, does not attempt to meet the regular practitioner upon the fair and honest grounds of open competition, but endeavours to do it by underselling him. He therefore informs the public by a card, or through the medium of his friends, that he is satisfied to take less money and to give more time and other things that may be required, if they will employ him instead of the man who is duly qualified. It therefore often happens that from a variety of circumstances—from local connexions, perhaps, or other causes—he beats the regular and well-trained professional man out of the field.” Mr. Guthrie adds, that it is his duty “to dwell upon this as *one of the great grievances of the members of the profession at large.*” The experience

of the Society of Apothecaries enables them to confirm the accuracy of this description to the full extent. The qualified medical man, thus beaten out of the field, is doubtless the *immediate* sufferer; and surely his claim to protection, founded on his obedience to the law, is one which the legislature would be unwilling to overlook. But have the *public* no concern in the matter? *What effect is the frequent repetition of such instances calculated to produce upon the attainments of future medical practitioners?* What effect is it likely to produce upon those who are preparing to enter upon the arduous duties of their profession? Will it *stimulate* them in their desire to qualify themselves at much personal sacrifice for the practice of a profession in which they are to be met and defeated by rivals such as these? The argument is heard every day—"Why should we go to the expense of educating our sons for a profession which is open alike to the educated and uneducated; and in which the man who is practising in open defiance of the law has just as good a chance of success as one who has qualified himself in obedience to it?" The inevitable consequence of refusing protection to the well-qualified practitioner will be, that the rising generation will become indifferent whether they qualify themselves or not, and you will quickly find the attainments of medical practitioners on the decline. *The public, therefore, are the real sufferers in the result.*

The Secretary of State for the Home Department

has stated his intention of introducing a bill into Parliament for better regulating the medical profession. It is not for the Society to anticipate the details of the promised measure. An apprehension appears to exist on the part of many, that it will be proposed to Parliament to exclude the general practitioner from all share in the examination of his own class, or to place him in so small a minority at the examining board, as to deprive him of all real control and influence in a matter in which the interests of his branch of the profession are so deeply involved.

There seems also some reason to fear that the measure will contain no penal check upon unqualified practitioners.

The discharge of the duties which have devolved upon the Society of Apothecaries under the act of 1815 have afforded the Society the means of forming an opinion on both these points, and they are intimately acquainted with the feelings and wishes of the members of that branch of the profession with whose interests their body is more immediately connected. If the apprehensions to which the Society have adverted should prove to be well founded, the proposed measure will seriously disappoint the hopes of the great majority of the general practitioners of this country. And the Society are satisfied that any measure which deprives the general practitioner of efficient control and influence in the education and examination of his own class, and

leaves the practice of the healing art open to any who may be rash enough, and wicked enough, to practise it without fitting qualification, will also disappoint the expectations of the legislature and the public, because it will fail to secure that which ought to be the first object of all medical legislation, namely, to provide for all classes—the poor as well as the rich—a well qualified medical attendant.

The Society of Apothecaries are not insensible to the necessity of a revision of the laws which affect the medical profession, and they would hail with the utmost satisfaction the introduction of a measure, under the high auspices of a minister of the crown, which would have the effect of removing the anomalies which at present exist in the profession, and of healing the dissensions of which those anomalies have been the fruitful source. The Society would wish to see uniformity of education and reciprocity of practice established in the three kingdoms; they would wish to see each branch of the profession highly qualified for the discharge of the duties which belong to it; and if they may be permitted to feel a peculiar interest in the welfare of the branch with which they are themselves connected, they especially wish, as regards that class of practitioners, that as their services are of the utmost importance to a large class of their fellow-subjects, so they may always receive an education qualifying them in every respect for the fitting performance of those services. The

Society had in fact made considerable progress in the preparation of a measure comprehensive in its nature, and embodying the improvements which their own experience had suggested, or the wants and wishes of the profession had pointed out to them, but the repeated assurances which they received, that some general measure was about to be introduced into Parliament under the auspices of the Government, have hitherto prevented them from laying their views before the public. The delay that has occurred in settling a question, at once so important to the public and the profession, is, in the opinion of the Society, most injurious to all parties, but more especially to the medical student;—it unsettles his mind, renders him doubtful as to the course of education and examination hereafter to be required, and emboldens many to enter into practice without subjecting themselves to the laborious course of study, and the rigid scrutiny of the existing examinations.

The Society are prepared cordially to co-operate with their professional brethren in urging upon the attention of the Legislature the deep importance they attach to the maintenance of the two principles which it has been the main object of the foregoing observations to illustrate, and, in so doing, they conscientiously believe that they shall best promote the true interests of the public.

APPENDIX.

PREFACE

TO THE

REGULATIONS OF

THE COURT OF EXAMINERS.

ISSUED IN SEPT. 1830.

THE Court of Examiners of the SOCIETY OF APOTHECARIES OF LONDON, having occasion to revise their Rules and Regulations, embrace the opportunity of offering some remarks, which, although particularly addressed to those whose education it is the peculiar province of the Court to control and direct, cannot fail to interest the whole medical profession, as well as the public at large.

Fifteen years have now elapsed since the Legislature confided to the SOCIETY OF APOTHECARIES the administration of an Act “for better regulating the Practice of Apothecaries throughout England and Wales;” which, among many other salutary provisions, requires this class of medical practitioners to be skilled in the science and practice of Medicine.

Prior to that period (1815) the situation of the Apothecary was greatly to be deplored; no check whatever existed to prevent any man, however ignorant, from practising this branch of medicine; he too frequently presented the strange anomaly of a person without education engaged in a pursuit requiring deep research and severe study, and entrusted with the cure of the many complicated diseases of a still more complicated body, the structure of which he was either entirely ignorant of, or at the best but imperfectly acquainted with; whilst few of those who were zealous for the acquirement of knowledge had opportunity to cultivate the science effectively, since the means of instruction were neither generally nor easily to be obtained.

Fully impressed with the many difficulties that obstructed their course, the Court of Examiners felt themselves bound, for some years, to proceed with great caution in giving effect to the beneficent intentions of the Legislature, urging on, slowly and deliberately, such improvements in medical education as time or circumstances appeared to warrant. In every successive alteration of their Regulations, the same views have invariably continued to guide the Court, until they find themselves at length enabled to reach a standard of education, which, though far from perfect, presents such a system of study as may not, for some years at least, require any essential change; a system nearly approaching to that which has long been demanded from the parallel grade of practitioners in a neighbouring country.

The Court of Examiners, in instituting the following Regulations, do not by any means conceive that they are requiring the maximum of knowledge that might be expected from the Apothecary, but merely that quantity of information which the general advancement of science

demands, and certainly not more than is requisite to afford a just degree of security to those whose lives are entrusted to his care, including the majority of the inhabitants of every large city in the kingdom, and the bulk of the population throughout the country.

In addition to the studies mentioned in the following pages, the Court beg seriously to impress upon parents and guardians who destine the youth under their care to the study of Medicine, that a *familiar* acquaintance with the Latin language is indispensable; and that a knowledge of Greek is scarcely less so, since most of the terms of art employed in medicine and the collateral sciences, are derived from that expressive language, without a knowledge of which the pupil loses the value of much of the instruction he would otherwise receive from his teacher. Natural history may be said to be essential to the proper study of the *Materia Medica*; and an acquaintance with the *exact* sciences will not only enable the Student to understand more readily the admirable structure and functions of many parts of the human frame, but also assist him materially in acquiring habits of precise and correct reasoning. He must also take into account the improving spirit of the age in which we live, and must reflect how difficult it will be for him to maintain his proper station in society, without the most strenuous exertions on his part.

Experience has shown that youth are generally taken from their preparatory studies, and apprenticed at an age much too early. It is, therefore, of great importance that the parent who apprentices his son to an apothecary, as well as the master who receives him, should previously ascertain that the youth has been liberally educated, and that his classical attainments more especially are such as to enable him to pursue his subsequent studies with credit and advantage. Neither can it be too generally known,

nor too often repeated, that the years of apprenticeship, required by the Act of Parliament, may and ought to be devoted to acquiring most of the preliminary branches of professional knowledge; so that at the termination of his five years of probation, the apprentice should have little else to do but to acquire that enlarged share of practical information which he cannot be supposed to attain during his years of pupilage.

The Court of Examiners have too much reason to know and lament, that notwithstanding all their precautions, the attendance upon Lectures, and more especially that upon Hospital Practice, is often grossly eluded or neglected; and they deem it their duty to express a hope that the teachers of the various branches of Medical Science, with whom the correction of this abuse must principally rest, will turn their attention to the removal of an evil of such magnitude. It would be competent for the teachers to insist upon periodical signatures from their respective classes, proving that the pupils are actually in attendance; and it would be equally in their power entirely to withhold certificates from those who have neglected their attendance, or to qualify the testimonial in such a manner, that the Court may apply to those who have been negligent that degree of rigid scrutiny which the justice of the case might appear to demand.

Another evil, which also admits of an easy and efficient remedy, is the delivery of Courses of Lectures on different subjects by the same teacher. It cannot be denied that such Lectures are not in themselves so efficiently given, nor is the interest annexed to them in any degree so vivid, as where the pupil has an opportunity of availing himself of the varied talents, attainments, and practical experience of different individuals.

The Court of Examiners cannot too earnestly or too

often endeavour to impress upon Students the imperative necessity of their pursuing a systematic course of study, which *time* alone can enable them to do; without it they will be compelled to rely upon some *vade mecum*, or other trivial work, formed to assist the idle, or the hastily educated man, instead of drinking at the fountain-head of science, and acquiring their knowledge from actual and persevering research.

THE END.

